

# EXHIBIT D

**MUCERINO, et al.**

**VS.**

**MARTIN**

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**STEPHANIE MUCERINO**

**June 07, 2021**



**Sandy Andrys, LCR, RPR, RMR**

Chattanooga (423)266-2332 Jackson (731)425-1222  
Knoxville (865)329-9919 Nashville (615)595-0073 Memphis (901)522-4477

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IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE

FRANK MUCERINO, III and  
CREEKSIDE TERRACE, LLC,  
Plaintiffs,  
vs. Case No. 3:21-cv-00284  
CHARLES JOSHUA DALE MARTIN,  
Defendant.

Videoconference Deposition of:

STEPHANIE L. MUCERINO

Taken on behalf of the Defendant

June 7, 2021

Commencing at 2:33 p.m.

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P.O. Box 292382  
Nashville, Tennessee  
(615)595-0073

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A P P E A R A N C E S

For the Plaintiffs:

MR. JOHN P. NEFFLEN  
Attorney at Law  
Shackelford, Bowen, McKinley & Norton, LLP  
1 Music Circle S., Suite 300  
Nashville, Tennessee 37219-2392  
(615) 256-7200  
Inefflen@shackelford.law

For the Defendant:

MR. EUGENE N. BULSO, JR.  
Attorney at Law  
Bulso, PLC  
155 Franklin Road, Suite 400  
Brentwood, Tennessee 37027  
(615)913-5200  
Gbulso@bulso.com

Also Present:

MR. FRANK MUCERINO, III

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I N D E X

Examination

By Mr. Nefflen

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E X H I B I T S

Exhibit No. 1

April 15, 2021 Text Message

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S T I P U L A T I O N S

The videoconference deposition of  
STEPHANIE L. MUCERINO, was taken by counsel for the  
Defendant, with all participants appearing at their  
respective locations, on June 7, 2021, for all  
purposes under the Federal Rules of Civil Procedure.

All objections, except as to the form of  
the questions, are reserved to the hearing, and that  
said deposition may be read and used in evidence in  
said cause of action in any trial thereon or any  
proceeding herein.

It is agreed that SANDRA ANDRYS, LCR,  
RPR, RMR, Notary Public and Court Reporter for the  
State of Tennessee, may swear the witness remotely,  
and that the reading and signing of the completed  
deposition by the witness was not mentioned.

\* \* \*

STEPHANIE L. MUCERINO

was called as a witness, and having first been duly sworn, testified as follows:

## EXAMINATION

QUESTIONS BY MR. NEFFLEN:

Q. Hello, Ms. Mucerino. How are you doing?

A. **Good. How are you?**

Q. Good. Hold on one second. I believe

Mr. Martin, yeah, he's joined in.

Is it correct, Ms. Mucerino, that you formed both Creekside Terrace and Better Built Homes?

A. **I don't recall.**

MR. BULSO: Object to the form.

BY MR. NEFFLEN:

Q. Say again, ma'am? I'm sorry.

A. **I don't recall.**

Q. You don't recall?

A. **No.**

Q. Do you know who formed Creekside Terrace, LLC and Better Built Homes, LLC?

A. **It's been a while. I do not.**

Q. Do you know who was responsible for filing both companies' annual reports?

Q. Okay. Did you change the principal office for Camp Ravine Road when you filed the April 2021 annual report?

A. **I don't recall.**

Q. Okay. And for Better Built Homes, is it correct that you also filed the annual report for Better Built Homes, LLC?

A. **Yes.**

Q. And was that done in April of 2021?

A. **I don't recall the exact date.**

Q. How would we find out the exact date, or how would you find out the exact date that you filed?

A. **I don't know.**

Q. Are you aware that the Secretary of State's website shows that for Better Built Homes, LLC, the principal office is 1387 Camp Ravine Road?

A. **Yes.**

Q. You are aware of that?

A. **Yes.**

Q. Okay. And in April of 2021, when you filed the annual report, you didn't change that?

A. **I don't recall.**

Q. Let me ask you this way. Are you aware that the Secretary of State's website shows for both Creekside Terrace, LLC and Better Built Homes, LLC

A. **I typically do that.**

Q. So you did that?

A. **Yes.**

Q. Did you do that in April of 2021, this year?

A. **I believe so.**

Q. Are you aware, Ms. Mucerino, that the Secretary of State's website shows that the principal office for Creekside Terrace, LLC, is 1387 Camp Ravine Road?

A. **In the sense of?**

Q. Are you aware -- I'm sorry.

A. **What was the question? I'm sorry.**

Q. The question is, are you aware that the Secretary of State's website reports that the principal office for Creekside Terrace, LLC is 1387 Camp Ravine Road?

A. **Yes.**

Q. You are aware of that. Okay.

And I think you said earlier you are responsible for filing the annual report?

A. **Yes.**

Q. Okay. And is it correct that you did not change the principal office for Camp Ravine Road when you filed that annual report?

A. **I don't recall.**

that the registered agent is Frank Mucerino, III?

A. **I don't recall.**

Q. Who would have listed your husband as the registered agent for both of those companies?

A. **I'm not sure.**

MR. BULSO: Object to the form.

BY MR. NEFFLEN:

Q. Did you list your husband as the registered agent for both of those companies?

A. **I don't recall.**

Q. Okay. Do you know who would have?

MR. BULSO: Object to the form, calls for speculation.

BY MR. NEFFLEN:

Q. Okay. Are you aware of anybody else involved in the formation of Creekside Terrace, LLC, and Better Built Homes, LLC?

A. **I don't recall.**

Q. Now, I'm assuming, and correct me if I'm wrong, that you and your husband have a personal bank account. Am I correct?

A. **Yes.**

Q. Okay. Is there more than one for you and your husband?

A. **Personal bank account?**

1 Q. Yes.  
 2 **A. The personal bank account, no.**  
 3 Q. Where is that bank account located?  
 4 **A. First Bank.**  
 5 Q. First Bank in what state?  
 6 **A. Tennessee.**  
 7 Q. On April 7th, your personal bank account was  
 8 located at First Bank in Tennessee?  
 9 **A. Yes.**  
 10 Q. And it's there today as we take this  
 11 deposition?  
 12 **A. Yes.**  
 13 Q. Okay. Are you responsible for keeping the  
 14 financial records and bank accounts for Creekside  
 15 Terrace, LLC and Better Built Homes, LLC?  
 16 **A. Yes.**  
 17 Q. Am I correct that both of those entities have  
 18 a bank account?  
 19 **A. Yes.**  
 20 Q. Okay. And where are those two bank accounts  
 21 located?  
 22 **A. First Bank in Tennessee.**  
 23 Q. Okay. They were located there on April 7th  
 24 and they are located there today, correct?  
 25 **A. Yes.**

1 Q. You might have to speak up, Ms. Mucerino.  
 2 **A. Yes.**  
 3 Q. Are you a member of Creekside Terrace, LLC?  
 4 **A. No.**  
 5 Q. Are you an employee of Creekside Terrace,  
 6 LLC?  
 7 **A. No.**  
 8 Q. How are you the representative of Creekside  
 9 Terrace, LLC? In what capacity are you the  
 10 representative of Creekside Terrace, LLC today?  
 11 MR. BULSO: Object to the form.  
 12 **THE WITNESS: Bookkeeper.**  
 13 BY MR. NEFFLEN:  
 14 Q. Because you are the bookkeeper?  
 15 MR. BULSO: Same objection.  
 16 BY MR. NEFFLEN:  
 17 Q. Ms. Mucerino, I misunderstood what you said.  
 18 Did you say because you were the bookkeeper?  
 19 **A. Yes.**  
 20 Q. So in your capacity as a bookkeeper, are you  
 21 an employee of Creekside Terrace, LLC?  
 22 **A. I am not on -- I mean, I'm not paid as an**  
 23 **employee, no.**  
 24 Q. But you are the bookkeeper?  
 25 **A. Yes.**

1 Q. On April 7, 2021, do you know where you were?  
 2 **A. Yes.**  
 3 Q. Where were you?  
 4 **A. Florida.**  
 5 Q. Florida. And how do you know that?  
 6 **A. We were here for the closing.**  
 7 Q. And when did that closing take place?  
 8 **A. We signed the paperwork, I believe, on**  
 9 **April 5th, that Monday.**  
 10 Q. Signed what paperwork?  
 11 **A. The closing documents.**  
 12 Q. Were you able to see the deed that I showed  
 13 your husband that was marked as Exhibit 1 to his  
 14 deposition?  
 15 **A. Yes.**  
 16 Q. Okay. And let me bring it up just to make  
 17 sure we are talking about the same thing.  
 18 Ms. Mucerino, can you see that warranty  
 19 deed?  
 20 **A. I do.**  
 21 Q. Is this the same property -- is this warranty  
 22 deed for 5711 Sea Turtle Place, or is it for a  
 23 different piece of property?  
 24 **A. It should be for 5711 Sea Turtle Place.**  
 25 Q. I'm sorry?

1 **A. We only know the 9-1-1 address for the**  
 2 **property.**  
 3 Q. I'm sorry. You know the 5711 address?  
 4 **A. Correct. Yes. Correct. That's the way we**  
 5 **know the property.**  
 6 Q. Okay. Are you aware of any other property  
 7 that you own in Florida?  
 8 **A. No.**  
 9 Q. All right. Where did the closing take place?  
 10 **A. In Florida.**  
 11 Q. Where in Florida?  
 12 **A. At the house.**  
 13 Q. Who was present?  
 14 **A. Frank, myself, Frank, Jr. and Laura, and**  
 15 **Christine Nargi, the notary.**  
 16 Q. When did you return to Tennessee?  
 17 **A. I don't recall.**  
 18 Q. As I understand it, a week later you had a  
 19 yard sale, like a community yard sale. Do you recall  
 20 that?  
 21 Well, first of all, is that correct?  
 22 **A. Yes.**  
 23 Q. Yeah. And you posted on Facebook about the  
 24 yard sale, correct?  
 25 **A. Correct.**

1 Q. Tell me about that yard sale. What was going  
2 on?  
3 **A. Besides it being a yard sale?**  
4 Q. Well, give me the specifics of it. Was it  
5 multiple families? Where was it done?  
6 **A. It was multiple families.**  
7 Q. Say it again.  
8 MR. BULSO: Objection, compound.  
9 BY MR. NEFFLEN:  
10 Q. Say it again, Ms. Mucerino.  
11 **A. It was multiple families.**  
12 Q. Okay. And who was included in that, in the  
13 multiple families?  
14 **A. The neighbors to 1387 Camp Ravine Road.**  
15 Q. Were you selling stuff at that yard sale?  
16 **A. Yes.**  
17 Q. And what were you selling?  
18 **A. Things that we didn't want to take to**  
19 **Florida.**  
20 Q. Before I move on, can we agree that that yard  
21 sale took place between April 15th and April 17,  
22 2021?  
23 **A. I don't know exactly, but it was on a**  
24 **weekend. So if that is a weekend, then, yes.**  
25 Q. I tell you what, just so we can nail the date

1 down, I'm going to show you a couple of the Facebook  
2 posts.  
3 **A. I believe the 15th is a Thursday, and I don't**  
4 **believe it took place that day.**  
5 Q. When the yard sale was going on, was  
6 Mr. Mucerino with you?  
7 **A. I don't recall.**  
8 Q. Give me one second.  
9 Ms. Mucerino, can you see that Facebook  
10 post?  
11 **A. I do.**  
12 Q. And is that your Facebook post?  
13 **A. It is.**  
14 Q. Okay. And the date on there is April 16th?  
15 **A. Correct.**  
16 Q. Okay. And is this the yard sale that we were  
17 talking about?  
18 **A. It is.**  
19 Q. Okay. So we can agree that the yard sale  
20 took place at least on April 16th, correct?  
21 **A. Correct.**  
22 Q. And that you were in Burns, Tennessee on  
23 April 16th --  
24 **A. Correct.**  
25 Q. -- 2021?

1 **A. Okay.**  
2 Q. Let me shut this off.  
3 When did you vacate the home located at  
4 1387 Camp Ravine Road?  
5 **A. On or before 3-31.**  
6 Q. The property that you took to the yard sale,  
7 where was that stored?  
8 **A. At the location of the yard sale.**  
9 Q. At 1350 Camp Ravine Road?  
10 **A. Correct.**  
11 Q. And what I'm asking is, before the yard sale,  
12 where was it stored? Let me ask it this way. I'm  
13 sorry.  
14 Between March 31st and April 16th, when  
15 the yard sale started, where was the property that  
16 you sold at the yard sale stored?  
17 **A. It was stored at that home, 1350 Camp Ravine**  
18 **Road.**  
19 Q. Okay. Did you store any property at 110  
20 Brook Drive in Dickson?  
21 **A. Yes.**  
22 Q. What property did you store there?  
23 **A. I don't recall.**  
24 Q. After March 31, 2021 when you vacated the  
25 home at 1387 Camp Ravine, where did you go?

1 **A. To Florida.**  
2 Q. Immediately?  
3 **A. I don't recall.**  
4 Q. Did you stop at 110 Brook Drive at any time?  
5 **A. At any time?**  
6 Q. Well, between March 31st and April 7th.  
7 **A. I don't recall.**  
8 Q. When did you start moving property from 1387  
9 Camp Ravine Road to 1350 Camp Ravine Road?  
10 **A. I don't recall.**  
11 Q. At 5711 Sea Turtle, when were your utilities  
12 connected? When did you establish your utilities?  
13 **A. I don't recall.**  
14 Q. Was it on April 7th, after April 7th, before  
15 April 7th?  
16 **A. I don't recall.**  
17 Q. After the closing on April 7, 2021, when did  
18 you return to Tennessee?  
19 **A. I don't recall.**  
20 Q. Do you recall when -- let me ask it this way.  
21 When do you consider that you were --  
22 that you had permanently moved to Florida?  
23 MR. BULSO: Object to the form.  
24 BY MR. NEFFLEN:  
25 Q. You can answer.

1 **A. We purchased our primary residence at 5711**  
 2 **Sea Turtle Place in early April.**  
 3 Q. April 7, 2021?  
 4 **A. Yes.**  
 5 Q. Can you tell me when you made trips back to  
 6 Tennessee between April 7, 2021 and the present, and  
 7 for what purpose, other than the yard sale?  
 8 **A. No, I don't recall.**  
 9 Q. Do you recall how many times you returned to  
 10 Tennessee after April 7, 2021?  
 11 **A. I don't. No, I do not.**  
 12 Q. Do you recall how many times your husband  
 13 returned to Tennessee after April 7, 2021?  
 14 **A. No, I do not.**  
 15 Q. Did he return to Tennessee to perform work  
 16 for either Creekside Terrace or Better Built Homes?  
 17 **A. I don't recall.**  
 18 Q. Based on your recollection, did he return at  
 19 all after April 7, 2021 to Tennessee?  
 20 **A. Yes.**  
 21 Q. But you don't recall when that was?  
 22 **A. Correct.**  
 23 Q. Do you know what it was for?  
 24 **A. No.**  
 25 Q. One second. I'm going to share the screen

1 with you, Ms. Mucerino.  
 2 **A. Okay.**  
 3 Q. Can you see this Facebook post?  
 4 **A. I do, uh-huh, on the screen.**  
 5 Q. And for the record, this is dated April 15th,  
 6 and this is your Facebook post?  
 7 **A. Correct.**  
 8 Q. It says, "Defamation and false light lawsuits  
 9 against Creekside against the town of Burns resident  
 10 Josh Martin in federal court."  
 11 Do you recall where you were when you  
 12 posted this Facebook post?  
 13 **A. I do not.**  
 14 Q. Whether in Florida or Tennessee?  
 15 **A. The date, I believe I was in Tennessee.**  
 16 MR. NEFFLEN: Let's mark this as  
 17 Exhibit 1 to Ms. Mucerino's deposition.  
 18 (WHEREUPON, a document was marked as  
 19 Exhibit Number 1).  
 20 BY MR. NEFFLEN:  
 21 Q. Ms. Mucerino, do you recall how long -- well,  
 22 first of all, do you recall whether or not you stayed  
 23 at 110 Brook Drive after March 31, 2021?  
 24 **A. I don't recall.**  
 25 Q. You don't recall staying there?

1 **A. I don't recall.**  
 2 Q. Are you familiar with that property at all,  
 3 110 Brook Drive?  
 4 **A. I am.**  
 5 Q. What property is that?  
 6 **A. The property we used to store stuff.**  
 7 Q. Is it a home?  
 8 **A. It is a home.**  
 9 Q. Okay. Who owns the home?  
 10 **A. I do not know.**  
 11 Q. Who let you use the home?  
 12 **A. Jason Pilkington.**  
 13 Q. Did you ever stay at that home at any time?  
 14 **A. Stay like?**  
 15 Q. Live there for any amount of time.  
 16 **A. Yes.**  
 17 Q. When?  
 18 **A. I don't recall the dates.**  
 19 Q. Was it before or after March 31st, 2021?  
 20 **A. It would have been after.**  
 21 Q. But you don't recall the dates?  
 22 **A. No.**  
 23 Q. Is there any way you can determine what dates  
 24 you stayed there?  
 25 **A. I don't know how.**

1 Q. A calendar?  
 2 **A. No.**  
 3 Q. What about receipts for food purchases?  
 4 **A. I mean, I don't know.**  
 5 MR. NEFFLEN: Give me one second,  
 6 Ms. Mucerino, we may be done.  
 7 (An off-the-record discussion was held.)  
 8 BY MR. NEFFLEN:  
 9 Q. Ms. Mucerino, I'm almost done. I want to  
 10 look at one more thing with you.  
 11 Ms. Mucerino, can you see the warranty  
 12 deed?  
 13 **A. Yes.**  
 14 Q. Now, you will see on the second page the  
 15 notary stamp. Can you see that?  
 16 **A. Yes.**  
 17 Q. Can you see that the notary states that the  
 18 instrument was acknowledged on April 5, 2021; do you  
 19 see that?  
 20 **A. Uh-huh.**  
 21 Q. And the front page says that the warranty  
 22 deed is made April 5, 2021.  
 23 **A. Okay.**  
 24 Q. But what I understand your -- first of all,  
 25 you agree to those dates that this is what the



1 document says, right?

2 **A. That's what's on the document. I did not**  
3 **draft the document.**

4 Q. I understand. I understand. Is it your  
5 testimony that the closing occurred after this  
6 warranty deed, after April 5th, 2021?

7 **A. What is your question?**

8 Q. That the closing you referenced on April 7th,  
9 2021 occurred after this warranty deed which is dated  
10 April 5th, 2021?

11 **A. I'm not sure. I don't know.**

12 Q. Okay. And after the closing, I believe you  
13 said that you don't recall when you and your husband  
14 returned to Tennessee, correct? Is that correct?

15 **A. Correct, yes.**

16 MR. NEFFLEN: Thank you.

17 Gino, so I don't do that again, I have no  
18 further questions. Do you have any questions?

19 MR. BULSO: We have no questions.

20 MR. NEFFLEN: Ms. Mucerino, I appreciate  
21 your time. That's all the questions I have.

22 **THE WITNESS: Okay, thanks.**

23 THE REPORTER: Do you need this typed up?

24 MR. NEFFLEN: Yes, please.

25 THE REPORTER: Regular time?

1 MR. NEFFLEN: Yes, that's fine.

2 THE REPORTER: Gino, do you need a copy?

3 MR. BULSO: Yes.

4 FURTHER DEPONENT SAITH NOT  
5 (Proceedings concluded at 3:06 p.m.)  
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## REPORTER'S CERTIFICATE

3 STATE OF TENNESSEE

4 COUNTY OF DAVIDSON

5 I, SANDRA ANDRYS, LCR, RPR, RMR, with  
6 offices in Nashville, Tennessee, hereby certify that  
7 I reported the foregoing videoconference deposition  
8 of STEPHANIE L. MUCERINO by machine shorthand to the  
9 best of my skills and abilities, and thereafter the  
10 same was reduced to typewritten form by me.

11 I further certify that I am not related  
12 to any of the parties named herein, nor their  
13 counsel, and have no interest, financial or  
14 otherwise, in the outcome of the proceedings.

15 I further certify that in order for this  
16 document to be considered a true and correct copy, it  
17 must bear my original signature and that any  
18 unauthorized reproduction in whole or in part and/or  
19 transfer of this document is not authorized, will not  
20 be considered authentic, and will be in violation of  
21 Tennessee Code Annotated 39-14-104, Theft of  
22 Services.

22 SANDRA ANDRYS, LCR, RPR, RMR  
23 Elite Reporting Services  
24 Licensed Court Reporter (TN)  
25 Notary Public State of Tennessee

My Notary Commission Expires: 6/26/22  
LCR 583 - Expires: 6/30/2022





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